

South Carolina General Assembly
122nd Session, 2017-2018

S. 987

STATUS INFORMATION

General Bill

Sponsors: Senator Gregory

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Introduced in the Senate on February 8, 2018

Currently residing in the Senate Committee on **Judiciary**

Summary: Public Utilities

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/8/2018	Senate	Introduced and read first time (Senate Journal-page 8)
2/8/2018	Senate	Referred to Committee on Judiciary (Senate Journal-page 8)

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VERSIONS OF THIS BILL

[2/8/2018](#)

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9 **A BILL**

10
11 TO AMEND TITLE 58 OF THE 1976 CODE, RELATING TO
12 PUBLIC UTILITIES, SERVICES AND CARRIERS, BY
13 ADDING CHAPTER 41, TO PROVIDE FOR RENEWABLE
14 ENERGY PROGRAM ACCESS TO CONSUMERS; AND TO
15 DEFINE NECESSARY TERMS.

16
17 Be it enacted by the General Assembly of the State of South
18 Carolina:

19
20 SECTION 1. Title 58 of the 1976 Code is amended by adding:

21
22 “CHAPTER 41

23
24 Access to Clean Energy for South Carolina Businesses and
25 Institutions

26
27 Section 58-41-10. This chapter may be cited as the ‘Clean
28 Energy Access Act.’

29
30 Section 58-41-20. As used in this chapter:

31 (1) ‘Commission’ means the South Carolina Public Service
32 Commission.

33 (2) ‘Electrical utility’ shall be defined as set forth in Section
34 58-27-10(7), provided, however, that electrical utilities serving less
35 than one hundred thousand customer accounts shall be exempt from
36 the provisions of this chapter. For purposes of this chapter, and
37 notwithstanding any provision of law to the contrary, the South
38 Carolina Public Service Authority constitutes an electrical utility. A
39 renewable energy supplier participating in an electrical utility’s
40 voluntary renewable energy program pursuant to this chapter shall
41 not be considered an electrical utility for purposes of this chapter.

(3) 'Eligible customer' means a person, corporation, or legal entity with a contract demand greater than or equal to one megawatt at a single metered location or aggregated across multiple metered locations.

(4) 'Generation credit' means a credit applied by an electrical utility to the bill of a participating customer that is equal to the value of the electrical utility's system of the energy and capacity provided by a renewable energy supplier under a power purchase agreement, based on the electrical utility's avoided costs.

(5) 'Participating customer' means an eligible customer that elects to have a portion or all of its electricity needs supplied by a voluntary renewable energy program pursuant to the provisions of this chapter.

(6) 'Participating customer agreement' means an agreement between a participating customer and an electrical utility establishing the customer's right to participate in the electrical utility's voluntary renewable energy program.

(7) 'Power purchase agreement' means an agreement between an electrical utility and a renewable energy supplier for the purchase and sale of energy, capacity, and environmental attributes from the renewable energy supplier's renewable energy facility pursuant to this chapter.

(8) 'Renewable energy contract' means a contract between a participating customer and a renewable energy supplier that commits the parties to participating in an electrical utility's voluntary renewable energy program in accordance with the terms of an applicable power purchase agreement and participating customer agreement.

(9) 'Renewable energy facility' means a facility for the production of electrical energy that utilizes a renewable generation resource as defined in Section 58-39-120(F), that is placed in service after the effective date of this chapter, and for which costs have not been included in an electrical utility's rates.

(10) 'Renewable energy supplier' means the owner or operator of a renewable energy facility, including the affiliate of an electrical utility that contracts with a participating customer.

(11) 'Voluntary renewable energy program' means a tariff filed with the commission by an electrical utility that enables a participating customer to receive and pay for electric service, including the energy and environmental attributes specified in the renewable energy contract, from the electrical utility pursuant to the terms of the tariff.

1 Section 58-41-30. (A) Each electrical utility shall file a
 2 voluntary renewable energy program for review and approval by the
 3 commission within ninety days after the effective date of this act.
 4 The program shall provide that:

5 (1) the participating customer shall have the right to select the
 6 renewable energy facility from which the electrical utility shall
 7 procure energy, capacity, and environmental attributes on behalf of
 8 the participating customer and to negotiate the power purchase
 9 agreement purchase price and contract length with the renewable
 10 energy supplier;

11 (2) the electrical utility shall enter into a power purchase
 12 agreement with the renewable energy supplier to purchase energy,
 13 capacity, and environmental attributes for the benefit of the
 14 participating customer. The renewable energy supplier and the
 15 participating customer in the renewable energy contract shall agree
 16 to the purchase price and the contract length;

17 (3) the renewable energy contract, power purchase
 18 agreement, and participating customer agreement shall be of equal
 19 duration, ranging between two years and twenty years, as agreed to
 20 by the participating customer and the renewable energy supplier;

21 (4) in addition to paying a retail bill calculated pursuant to the
 22 rates and tariffs that would be otherwise applicable to the
 23 participating customer if the customer were not participating in the
 24 program, reduced by the amount of the generation credit, a
 25 participating customer shall reimburse the electrical utility on a
 26 monthly basis for the amount paid by the electrical utility to the
 27 renewable energy supplier for the purchase of the output of its
 28 renewable energy facility for the benefit of the participating
 29 customer, plus an administrative fee not to exceed five hundred
 30 dollars per month, regardless of the participating customer's number
 31 of aggregated metered locations;

32 (5) the electrical utility must retire any environmental
 33 attributes associated with the generation of renewable energy
 34 procured pursuant to the program on behalf of the participating
 35 customer; and

36 (6) the electrical utility shall not be liable for costs related to
 37 participating customer or renewable energy supplier default.

38 (B) In addition to terms negotiated between the participating
 39 customer and the renewable energy supplier in a renewable energy
 40 contract, each electrical utility's voluntary renewable energy
 41 program shall provide standard terms and conditions for the
 42 participating customer agreement and the power purchase

1 agreement. Such standard terms and conditions shall be subject to
2 commission review and approval.

3 (C) A participating customer shall be eligible to annually
4 procure an amount of energy equal to one hundred twenty-five
5 percent of its most recent annual energy usage through the voluntary
6 renewable energy program.

7 (D) An electrical utility may not charge any non-participating
8 customers for any direct costs incurred pursuant to the provisions of
9 this chapter.

10 (E) An electrical utility shall comply with the requirements of
11 this chapter until the aggregated amount of installed nameplate
12 generation capacity procured pursuant to this chapter equals ten
13 percent of the previous five-year average of the electrical utility's
14 South Carolina retail peak demand. Renewable electricity procured
15 on behalf of customers that began service with the electrical utility
16 after the effective date of this act shall not be included in the ten
17 percent calculation."

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19 SECTION 2. This act takes effect upon approval by the Governor.

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